

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Trustee-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff,

Plaintiff,

v.

NATIXIS, NATIXIS CORPORATE &
INVESTMENT BANK (f/k/a IXIS
CORPORATE & INVESTMENT BANK),
NATIXIS FINANCIAL PRODUCTS, INC.,
BLOOM ASSET HOLDINGS FUND, and
TENSYS LIMITED,

Defendants.

Adv. Pro. No. 10-05353 (SMB)

**STIPULATION AND ORDER CONCERNING
THE TRUSTEE'S MOTION FOR LEAVE TO REPLEAD**

Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (the "Trustee") and Defendant Natixis Financial Products LLC (as successor in interest to Natixis Financial Products Inc.) ("Natixis FP"), by and through their respective undersigned counsel, (collectively, the "Parties"), agree as follows:

WHEREAS, on June 18, 2018, the Court denied the Trustee's Motion for Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) (ECF No. 17640), and acknowledged that the parties thereto agreed that further briefing and proceedings on the Trustee's Motion for Leave to Replead would be deferred until after the Court entered a decision on the Trustee's Motion for Discovery. *See Order Concerning Further Proceedings on Trustee's Motion for Leave to Replead and for Limited Discovery*, ¶ 4, dated July 24, 2017 (ECF No. 16428).

WHEREAS, the Trustee intends to file a motion for leave to file an amended complaint.

WHEREAS, this Court previously granted the Parties a so-ordered stipulation setting dates on which the Trustee must file his motion for leave to replead and other germane filing dates (ECF No. 165).

WHEREAS, the Parties have agreed to extend such filing dates to allow the Trustee to prepare the motion for leave to amend.

IT IS HEREBY STIPULATED AND AGREED that the Trustee shall file his motion for leave to replead on or before December 7, 2018 and Natixis FP shall file its opposition on or before April 5, 2019. The Trustee shall file its reply, if any, on or before May 24, 2019.

IT IS FURTHER STIPULATED AND AGREED, following the Court's decision on the Trustee's motion for leave to replead, Natixis FP shall have the option of relying on its existing motion to dismiss or filing a new motion to dismiss.

The extension of time granted by this stipulation (the "Stipulation") is without prejudice to any future extensions of time.

Except as expressly set forth herein, the Parties reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same

instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: October 18, 2018
New York, New York

BAKER & HOSTETLER LLP

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Liquidation of Bernard L. Madoff
Investment Securities LLC and the estate
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*Attorneys for Defendant Natixis Financial
Products LLC (as successor in interest to
Natixis Financial Products Inc.)*

SO ORDERED this **19th** day of October, 2018.

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE